

BILL NO. 2008-41

ORDINANCE NO. _____

AN ORDINANCE TO AMEND PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO CERTAIN FINGERPRINT CHECKS TO INCLUDE MORE DETAILED REFERENCES TO STATE LAW IN ORDER TO MEET NEW REQUIREMENTS OF THE FEDERAL BUREAU OF INVESTIGATION; TO EXPRESSLY SET FORTH THE CITY'S AUTHORITY TO REQUIRE AND PROCESS FEDERAL FINGERPRINT CHECKS FOR BUSINESS LICENSE APPLICANTS WITHIN CERTAIN LICENSE CATEGORIES; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends provisions of the Municipal Code pertaining to certain fingerprint checks to include more detailed references to State law in order to meet new requirements of the Federal Bureau of Investigation, and to expressly set forth the City's authority to require and process Federal fingerprint checks for business license applicants within certain license categories.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 3, Chapter 24, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3.24.010: (A) The City is authorized to require all applicants for employment with the City to submit to a background investigation that will include the receipt of information from the Federal Bureau of Investigation regarding the background and personal history of such applicants. In each such case:

- (1) The applicant is required to submit to fingerprinting.
- (2) A complete set of fingerprints will be taken and will be forwarded to the Central Repository for Nevada Records of Criminal History.
- (3) The Central Repository for Nevada Records of Criminal History is authorized to submit the fingerprints to the Federal Bureau of Investigation (FBI) for its report and to exchange fingerprint data with the FBI.
- (4) The purpose for the submission of fingerprints is to allow for a State and Federal criminal records investigation regarding the applicant to determine suitability for employment.

(B) This Section is adopted under the authority of, and consistent with, NRS

1 [239B.010] 239B.010(1)(b) and Public Law 92-544, and should be read and interpreted in connection
2 therewith.

3 SECTION 2: Title 6, Chapter 6, Section 80, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.06.080:** (A) The application must be signed and verified by the applicant under oath.

6 (B) The applicant shall submit to fingerprinting and photographing, shall authorize
7 the City in writing to obtain information from the past and present employers, criminal justice
8 agencies, financial institutions, Federal, State and local governments and agencies, and other persons
9 and entities, and shall consent in writing to the release of such information to the City for use in
10 connection with the application for approval for suitability and other City business regulations. The
11 applicant shall also sign a release of claims and a hold harmless agreement to the City for its use of
12 the information provided by the applicant or discovered during any investigation thereof.

13 (C) Each applicant for a license within the following categories shall be subject
14 to the provisions of Subsection (D) of this Section:

- 15 (1) Adult nightclub establishment;
- 16 (2) Alcoholic beverage;
- 17 (3) Burglar alarm services;
- 18 (4) Child care facility;
- 19 (5) Erotic dance establishment;
- 20 (6) Gaming;
- 21 (7) Ice cream truck;
- 22 (8) Locksmith and safe mechanic;
- 23 (9) Martial arts instruction;
- 24 (10) Massage establishment;
- 25 (11) Mobile food vendor;
- 26 (12) Pawnbroker;
- 27 (13) Psychic arts and science;
- 28 (14) Secondhand dealer; and

1 (15) Teenage dancehall or teenage nightclub.

2 (D) In the case of the license categories listed in Subsection (C) of this Section,
3 applicants are required to submit to fingerprinting for purposes of a fingerprint check through the
4 Federal Bureau of Investigation (FBI). In each such case:

5 (1) A complete set of fingerprints will be taken and will be forwarded to
6 the Central Repository for Nevada Records of Criminal History.

7 (2) The Central Repository for Nevada Records of Criminal History is
8 authorized to submit the fingerprints to the FBI for its report and to exchange fingerprint data with
9 the FBI.

10 (3) The purpose for the submission of fingerprints is to allow for a State
11 and Federal criminal records investigation regarding the applicant to determine suitability for
12 licensing relative to the specified type of business.

13 (E) The provisions of Subsections (C) and (D) of this Section are adopted under
14 the authority of, and consistent with, NRS 239B.010(1)(a) and Public Law 92-544, and should be
15 read and interpreted in connection therewith.

16 SECTION 3: Title 6, Chapter 86, Section 60, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.86.060:** (A) In the case of work card applications listed in Section 6.86.050, applicants
19 are required to submit to fingerprinting for purposes of a fingerprint check through the Federal
20 Bureau of Investigation. In each such case:

21 (1) A complete set of fingerprints will be taken and will be forwarded to
22 the Central Repository for Nevada Records of Criminal History.

23 (2) The Central Repository for Nevada Records of Criminal History is
24 authorized to submit the fingerprints to the Federal Bureau of Investigation (FBI) for its report and
25 to exchange fingerprint data with the FBI.

26 (3) The purpose for the submission of fingerprints is to allow for a State
27 and Federal criminal records investigation regarding the applicant to determine suitability for a
28 work card for employment within the specified type of business.

1 (B) This Section is adopted under the authority of, and consistent with, NRS
2 [239B.010] 239B.010(1)(a) and Public Law 92-544, and should be read and interpreted in
3 connection therewith.

4 SECTION 4: The provisions of Sections 1 and 3 of this Ordinance shall be
5 deemed to have gone into effect on April 6, 2008, the effective date of Ordinance No. 5979.

6 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause
7 or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or
8 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
9 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
10 Council of the City of Las Vegas hereby declares that it would have passed each section,
11 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
12 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be
13 declared unconstitutional, invalid or ineffective.

14 SECTION 6: All ordinances or parts of ordinances or sections, subsections,
15 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this ____ day of _____,
18 2008.

19 APPROVED:

20 By _____
21 OSCAR B. GOODMAN, Mayor

22 ATTEST:

23 _____
24 BEVERLY K. BRIDGES, CMC
City Clerk

25 APPROVED AS TO FORM:

26 Val Steed 7-29-08
27 Date
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2008, which was a _____ meeting of said Council; that at
6 said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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